
Appeal Decision

Site visit made on 15 October 2025

by **T Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 October 2025

Appeal Ref: APP/U2750/W/25/3366778

Workshop to the rear of 50A Chatsworth Road (Back Lane), Harrogate, North Yorkshire HG1 5HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Rosemary Marks against the decision of North Yorkshire Council.
 - The application Ref is ZC25/00242/FUL.
 - The development proposed is conversion of existing workshop to a 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the living conditions of existing nearby occupiers with regard to overlooking. The second main issue is whether the dwelling would offer suitable living conditions to future occupiers with regard to outlook. The third is whether sufficient information has been submitted to assess whether there would be any significant adverse impact on the living conditions of future occupiers in terms of noise. The fourth is whether sufficient information has been provided to justify the loss of the existing commercial space and whether such loss would accord with the development strategy for the area.

Reasons

Living conditions of nearby occupiers

3. The building is located close to the rear of residential properties which are set on Chatsworth Place. I have considered the effect of the windows which would be included in the west facing elevation at first floor level. These windows would be set at a low level, which would limit opportunity for easy overlooking towards Chatsworth Place. The bedroom window would be set at the end of the room, a position from which clear overlooking towards nearby properties would be difficult. The other window in this elevation would only serve a landing.
4. The proposal would not therefore cause any unacceptable adverse impact to the living conditions of nearby occupiers. There would subsequently be no conflict with Policy HP4 of the Harrogate Local Plan (2020) (HLP) which amongst other things states that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of neighbours.

5. I afford limited weight to the Design Guidance¹ within the context of this scheme because it is primarily aimed at the extension of existing dwellings. Further, Part D notes that advice on the relationship between buildings is applicable to 20th century housing estates and even then each individual case should be considered on its own merits. The building is not set within such an area.

Living conditions of future occupiers

6. I accept that the outlook from the dwelling for future occupiers would not be extensive given that the building is rather hemmed in by surrounding development.
7. However, the main bedroom would be served by a well sized window and the large living and kitchen area would be served by sliding doors within a large opening. These would be located on the north elevation and would offer some outlook which would be acceptable given the site location within a tight and highly developed urban area. There would therefore be no unacceptable adverse impact on the living conditions of future occupiers with regard to outlook from the proposed dwelling.

Noise

8. However, the building is located in close proximity to a range of existing commercial premises hosting amongst other businesses, an auto repair centre, a vehicle repair centre and a tyre centre. Therefore, there is a reasonable possibility that there could be noise within the area from these nearby uses which could have an adverse impact on the living conditions of future occupiers.
9. The evidence includes an external noise levels and assessment of external building fabric data sheet; however, the information included is limited and does not represent a fully detailed and evidence-based noise assessment or report and is based on assumptions. A noise impact assessment prepared by Nova Acoustics² is also included. However, that appears to date from 2018 and had the purpose of supporting a change of use application for a nearby gymnasium. I therefore afford both those documents limited weight.
10. I conclude on this issue that insufficient information has been submitted to enable me to conclude that there would be no significant adverse impact on the living conditions of future occupiers in terms of noise. The proposal would therefore conflict with Policy HP4 of the HLP which amongst other things states that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers.

Development strategy

11. The evidence indicates that the building was in use up until recently by a printing and sign writing company. I was able to note on my site visit that the building needs some remediation. It is claimed that a significant amount of restoration is required and that carrying out this work and retaining the building as a commercial letting would not be viable.
12. Set against this, Policy EC1 of the HLP states when considering employment sites other than those specifically designated, amongst other things, proposals for the

¹ House Extensions and Garages Design Guide – Supplementary Planning Document – September 2005.

² Nova Acoustics – Noise Impact Assessment of a Wellness Centre and Gymnasium – April 2018.

use of employment sites for non-business uses will be resisted unless a range of specific criteria can be met. The criteria include amongst other things G) The site has been actively marketed for employment use for at least 12 consecutive months, H) continued use of the site for employment is no longer viable; and I) There is no significant adverse impact on residential amenity.

13. There is nothing to indicate that the site has been actively marketed for employment use, neither is any evidence of substance included relating to the viability or otherwise of the site remaining in commercial use. Given my conclusions on the previous main issue, I cannot conclude that there would be no significant adverse impact on residential amenity.
14. Given that this would be the case, the proposal would conflict with Policy EC1 of the HLP which indicates a general preference to protect employment sites where they can be retained. There would be conflict with the development strategy for the area. There would also be some conflict with Policy GS5 of the HLP which seeks to support the economy of the district through encouraging sustainable economic growth.

Other Matters

15. The site is within the Harrogate Conservation Area. The Council consider that the proposal would preserve the character of the Conservation Area given that this is a conversion of an existing building where the external changes are considered appropriate within that context. I have no reason to disagree.
16. Even were the building to benefit from any permitted development rights for a change of use, these generally require an application for prior notification on a range of matters. I therefore afford this matter limited weight.
17. My attention has been drawn to planning approvals relating to other buildings for changes of use from commercial to residential. However, the details of these cases and their particular circumstances are not before me which makes it difficult to make direct comparisons between those schemes and that before me. I afford these matters limited weight.
18. It would not be reasonable for me to condition a noise survey given addressing that matter is fundamental to the suitability of the building for the proposed use.

Planning Balance

19. The proposal would provide an additional dwelling which would contribute towards local housing stock, although the proposal only relates to one dwelling which limits the weight I afford to this benefit. The proposal could generate use of the building and rear lane across wider hours possibly leading to a greater sense of security for nearby occupiers.
20. Set against this, I cannot rule out significant harm to the living conditions of future occupiers with regards to noise and there would be conflict with the development strategy as a result of the loss of a commercial premises which has not been justified.
21. There would be conflict with the development plan and there are no considerations which indicate a decision should be taken otherwise than in accordance with it.

Conclusion

22. For the reasons given above the appeal should be dismissed.

T Burnham

INSPECTOR